

KIRTON LAW FIRM

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VIA ELECTRONIC FILING

Hon. Paul G. Gardephe
United States District Court
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *U.S. v. Humbei Amarvel Biotech Co., LTD, et al., 23 cr. 302 (PGG)*

Dear Judge Gardephe:

I represent Yiyi Chen in the above-referenced matter. I request that she receive a laptop computer to review her Rule 16 discovery at the Metropolitan Detention Center (MDC). I also request that the Government report to the parties as to the whereabouts of her missing commissary.

BACKGROUND

Ms. Chen was presented in the Southern District of New York on June 26, 2023.¹ This Court arraigned Ms. Chen on June 28, 2023.² Ms. Chen was remanded on consent.³ The parties litigated the bond issue, but the defense request for the bond was denied.⁴ Ms. Chen remains remanded without bail at the MDC. Mr. Chen has received both productions of the Rule 16 discovery but has had little access to the law library. I emailed the Government on September 14, 2023, that Ms. Chen was having trouble accessing her discovery and that she had not received her commissary accumulated while incarcerated in Hawaii.⁵ I followed up with an email on September 15, 2023, indicating that she had only 10 minutes to review her discovery the previous week. On October 2, 2023, I sent a follow-up email regarding her personal property and

¹ *US PACER Docket Entry #10.*

² *US PACER Docket Entry #21.*

³ *Id.*

⁴ *US PACER Docket Entries #11, 16, 19, 20 and 25.*

⁵ Personal items plus approximately \$300.00 in commissary funds.

discovery access. The Government responded on October 3, 2023, reporting that her personal property is "in transit from FDC Honolulu and should be arriving at MDC soon." The Government requested that "MDC permit your client to review the discovery drive and review it on the unit computers." Since that email, Ms. Chen has not used the unit computers and has missed two weeks at the law library. The one week she did have access, she was limited to less than 20 minutes on the computer due to overcrowding. Finally, as of last week, she still has not received her personal property or commissary funds.

REQUEST

I request that Ms. Chen be given a laptop to allow her access to her discovery regularly. The parties can confer and submit a proposed Order for this Court's consideration. In addition, I request that this Court Order the Government to follow up regarding the whereabouts of her commissary and her commissary funds and report to the parties on a regular basis.

Please contact me if you have any questions or concerns.

Sincerely,

Marlon Kirton
Marlon G. Kirton, Esq.

cc: To All Counsel via electronic filing.